

SUPERFUND

Fact Sheet

COMMENCEMENT BAY NEARSHORE/TIDEFLATS Tacoma, Washington



June 2003

Comments Requested on Proposed Agreements for Cleaning Up Sediments in Commencement Bay's Middle Waterway

The U.S. Department of Justice (DOJ) has announced a 30-day public comment period on two proposed settlement agreements between the U.S. Environmental Protection Agency (EPA) and 11 parties to resolve liability for hazardous waste cleanup at the Middle Waterway.

As a result of the agreements, the cleanup work will be done by two separate groups:

- The Middle Waterway Action Committee (MWAC) will clean up both the mouth and middle portions of the waterway (*United States v. Foss Maritime Co. et al.*).
- The Department of Natural Resources, with other parties, will conduct a separate cleanup at the head of the waterway (*United States v. Cook's Marine Specialities, et al.*).

DOJ, which represents EPA in matters before the court, has filed the proposed agreements, called consent decrees, in federal district court. Prior to approval, the government will take public comments for 30 days. After reviewing public comments, DOJ will determine whether to ask the court to enter the consent decrees.

EPA and DOJ Need Your Input **Send your comments by July 21, 2003, to:**

Assistant Attorney General
Environmental and Natural Resources Division
U.S. Department of Justice
Post Office Box 7611
Washington, D.C. 20044-7611

For both agreements, comments must include the following reference:
United States v. Foss Maritime Co., et al., No. C03-5331RJB, DOJ Ref. 90-11-2-729/1.

Summary of the Agreement for the Mouth and Mid Portions of the Waterway

The Middle Waterway Action Committee (MWAC) will:

- dredge about 94,000 cubic yards of contaminated sediments with disposal in Blair Slip 1
- place three feet of clean material in areas where it is not possible to remove all contaminated sediments
- place one foot of clean material over surface sediments with low levels of contamination
- remove about 800 creosote-treated timber piles and replace them with concrete or steel piles
- improve salmon habitat

United States v. Foss Maritime Co., et al.

Middle Waterway Action Committee (MWAC) settling parties include:

-Foss Maritime Company
-Marine Industries Northwest, Inc.
-Pioneer Industries

This cleanup will cost MWAC about \$12.5 million.

Summary of the Agreement for the Head of the Waterway

The Department of Natural Resources and the City of Tacoma, with help from other responsible parties, will:

- remove up to 4,000 cubic yards of contaminated subsurface sediments and dispose of it at an offsite facility
- place a thin layer of clean material to reduce levels of contamination in surface sediments with contaminants slightly above cleanup levels

The Department of Natural Resources and the City of Tacoma will Enhance Remedy for the Head of the Waterway
Changes to original plan captured in an Explanation of Significant Differences (ESD)

In February of 2002, EPA made a decision to leave subsurface contamination in place in one small area at the head of the waterway. Since then, the state expressed interest in enhancing the Middle Waterway cleanup by funding additional removal of contaminated subsurface sediments in this portion of the waterway. The enhanced remedy will be funded by the state and carried out by the Department of Natural Resources. The enhanced cleanup will cost \$1.6 million.

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The ESD is available as an attachment to the *Cook's Marine Specialties, et al.* consent decree. Also see the section *Where to Find Copies of the Agreements?*

Check Out the ESD on the Web:

A copy of the ESD can be found at: <http://www.epa.gov/r10earth>, then click **index** on the left of the page, click **C** for Commencement Bay, click **Nearshore/Tideflats** and look under **technical documents**

United States v. Cook's Marine Specialties, et al.

Settling parties for the Head of Middle Waterway:

- City of Tacoma
- City of Tacoma, Department of Public Utilities
- Cook's Marine Specialties
- Stuart Cook
- Simpson Tacoma Kraft Company, LLC
- Simpson Tacoma Land Company
- Washington Department of Natural Resources
- Western Machine Works

Site Background

In February of 2002, EPA announced the final plans for the cleanup of contaminated sediments in Middle Waterway. The community, other state and federal agencies, the Port of Tacoma, the City of Tacoma and the business community helped significantly with putting the plan together. Since February, EPA has been developing cleanup plans and negotiating the final settlement agreements with the parties that will execute the plans.

The Middle Waterway is part of the Commencement Bay Nearshore/Tideflats (CB/NT) Superfund Site, located in Tacoma, Washington. Shipbuilding, oil refining, chemical manufacturing and storage, and other industrial activities caused hazardous waste contamination of the land and water in the area.

FOR MORE INFORMATION, contact:

Harney.Nancy@epa.gov
Project Manager, Middle Waterway
Cleanup
(206) 553-6635

serrano-velez.lilibeth@epa.gov

Community Involvement Coordinator
(206) 553-1388

You may also call our toll free number: 1-800-424-4372

For people with disabilities: please call Lilibeth Serrano to request reasonable accommodations. For TTY users: call 1-800-977-8339. Please give one week of advance notice for requests.



United States
Environmental Protection
Agency

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Inside: Comments Requested on Sediment Cleanup Agreements

Where to Find Copies of the Agreements? The agreements are found in the consent decrees titled *United States v. Foss Maritime Co., et al.*, and *United States v. Cook's Marine Specialties, et al.*, and their attachments. Copies can be reviewed at:

Office of the U.S. Attorney

601 Union Street, Suite 5100
Seattle, WA 98101

Citizens for a Healthy Bay

917 Pacific Avenue, Suite 406
Tacoma, WA
(Call for appointment, 253-383-2429)

U.S. EPA Region 10

Superfund Records Center
1200 Sixth Avenue
Seattle, WA 98101
(Call for an appointment, 206-553-4494)

Tacoma Main Public Library

1102 Tacoma Avenue South
Northwest Room, Tacoma, WA

You can request copies of the consent decrees from the Consent Decree Library at:

U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044-7611
Fax: (202) 514-0097
E-mail: tonia.fleetwood@usdoj.gov

Send a check payable to the U.S. Treasury for copying at 25 cents per page. The cost for both consent decrees, *United States v. Foss Maritime Co., et al.* and *United States v. Cook's Marine Specialties, et al.* is \$64.25. To confirm that your request has been received call Tonia Fleetwood at (202) 514-1547.